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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,246	11/07/2001	Ronald Huber	1999P8051	2769

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EXAMINER
KEENAN, JAMES W

ART UNIT	PAPER NUMBER
3652	7

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/014,246	Applicant(s) HUBER ET AL.
	Examiner James Keenan	Art Unit 3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 November 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *5* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

1. This application is claiming the benefit of a prior filed nonprovisional application under 35 U.S.C. 120, 121, or 365(c). Copendency between the current application and the prior application is required. Because the prior application is a foreign filed international application, the status thereof at the time of filing the U.S. national application is not known to the examiner. Therefore, applicant is required to submit proof that the international application was copending with the U.S. national application. See MPEP 201.11(a) and 1895.

Furthermore, applicant is required to indicate whether the international application was published under PCTArticle 21(2) in English in the first sentence of the specification (MPEP 1895).

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the encapsulations (claims 10-13) and the further crane, carrier, and container (claims 18-23) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 10, it is not clear relative to what "longitudinal" refers;

and line 14, it is not clear how or in what manner the container is "lowerable".

This also applies to claim 25.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)). This assumes that copendency exists between the international application and the U.S. national application, as set forth in paragraph 1 above.

6. Claims 1-3, 5-7, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by MacDonald (US 517,468).

MacDonald shows an installation for transferring ice between ice-making and ice-removing tanks (fabrication units), including a portal crane having parallel tracks E, carrier K, and bogies G, and transport container C movably mounted to the carrier so as to be guided over and lowered into the tanks. Although the installation is not designed for fabricating semiconductor products, it is noted that this is set forth in the preamble as merely a *for use* statement, and that the body of the claims set forth no specific structure for performing this function which in any way defines over the apparatus shown by MacDonald.

7. Claims 1-7 and 17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Muller (US 3,982,642).

The examiner is applying the same analysis regarding the term "semiconductor products" as set forth in the paragraph above.

8. Claims 1-3, 5-6, and 16-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Fosnight (US 5,980,183).

Fosnight shows a semiconductor fabrication installation including transport system which brings semiconductor products in containers 108 to fabrication units 102 in a clean room, the transport system including shuttle 116 (portal crane) having tracks 126 and carrier 122 with longitudinal ends 124, in the figure 7-8 embodiment, wherein the container is movably mounted to the carrier so as to be guided over and lowerable to the fabrication units. Also note the alternative embodiment in figures 9-10.

Re claims 18-23, note column 12, lines 19-59, and figure 13.

9. Claims 1-3, 5-6, and 16-25 are rejected under 35 U.S.C. 102(a) as being anticipated by Fosnight (WO 98/46503, cited by applicant).

This reference is equivalent to the US Patent cited in the above paragraph and is used in the event its earlier publication date is significant.

10. Claims 1-6, 10, 16, and 18-25 are rejected under 35 U.S.C. 102(a) as being anticipated by Bonora ~~Miller~~ et al (WO 99/02436, cited by applicant).

Bonora
~~Miller~~ shows a semiconductor fabrication installation including transport system which brings semiconductor products in containers 132 to fabrication units 124 in a clean room, the transport system including an X-Z gripper transport (portal crane) having tracks 116 and carrier 118 with longitudinal ends, wherein the container is movably mounted to the carrier so as to be guided over and lowerable to the fabrication units.

Re claim 10, note page 17, last line.

Re claims 18-23, note page 33, line 15, to page 36, line 20.

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over MacDonald or Muller.

Although neither reference shows a swivel mechanism for fine positioning the transport container, the modification of MacDonald or Muller with such a mechanism nevertheless would have been obvious for one of ordinary skill in the art, as this would allow greater control of the container placing operation.

13. Claims 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Fosnight reference.

Fosnight does not show a numerical control system controlling the travel path of the transport container.

Nevertheless, it would have been obvious for one of ordinary skill in the art at the time of the invention to have modified the apparatus of Fosnight with such a feature, as this would be a mere design expediency, since such systems are well known and useful in the art, and could be readily incorporated without undue experimentation or unexpected results.

Re claims 10-15, the provision of explosion-proof encapsulations and wear-proof, non-outgassing materials are considered further design expediencies to one of ordinary skill in the art.

14. Claims 9 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over ~~Miller~~ Bonora.

The same obviousness rationale set forth in the paragraph above applies to Miller as well.

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Keenan whose telephone number is (703) 308-2559.

The fax phone number for the organization where this application or proceeding is assigned is 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1113.

jwk

April 7, 2003

JAMES W. KEENAN
PRIMARY EXAMINER